

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**\*E-FILED 6/22/05\***

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

SUSANNE PALMER,

NO. 5:04-cv-3237 RS

Plaintiff,

**ORDER TO SHOW CAUSE  
TO CDC AS TO WHY IT  
SHOULD NOT BE HELD  
IN CONTEMPT**

v.

I.C. SYSTEMS, INC., ET AL.,

Defendants.

---

Plaintiff Susanne Palmer ("Palmer") requests that the Court issue an order to show cause to third party Del Roble CDC ("CDC") as a result of CDC's alleged failure to provide responsive documents to a subpoena duces tecum issued by Palmer on January 3, 2005. Although CDC appears to have been properly served with the subpoena and, in fact, provided some documents in response thereto, Palmer contends that CDC has additional responsive documents which it previously agreed to produce but, to date, has not done so. As a result, Palmer asks the Court to require a response from CDC as to why it has failed to produce the remaining responsive documents.

Fed. R. Civ. Pro. 45(e) states that a person or entity who, without cause, fails to obey a properly served subpoena may be held in contempt of the court from which the subpoena issued. Moreover, 28 U.S.C. § 636(e)(1) authorizes this Court to hold CDC in contempt should it be found to have disobeyed a valid subpoena. For these reasons, the Court orders CDC to appear on July 13, 2005 at 9:30 a.m. and show cause

1 as to why it should not be held in contempt as a result of its failure to provide all responsive documents to  
2 Palmer in a timely fashion. In the alternative, CDC may, on or before July 8, 2005, serve all remaining,  
3 responsive documents on Palmer. In that event, Palmer shall notify the Court that she has received all remaining  
4 documents and the order to show cause will be discharged. Palmer is ordered to serve a copy of this order on  
5 CDC within three (3) calendar days.

6 IT IS SO ORDERED.

7 Dated: 6/22/05

8 /s/ Richard Seeborg  
9 RICHARD SEEBORG  
10 United States Magistrate Judge

1 **THIS IS TO CERTIFY THAT NOTICE OF THIS ORDER HAS BEEN DELIVERED TO:**

2 Paul Arons lopa@rockisland.com

3 O. Randolph Bragg rand@horwitzlaw.com, shannon@horwitzlaw.com

4 June D. Coleman jcoleman@mpbf.com, mellis@mpbf.com;fwilson@mpbf.com

5 Mark Ewell Ellis mellis@mpbf.com, restrella@mpbf.com;npruitt@mpbf.com

6 Andrew Steinheimer asteinheimer@mpbf.com,  
7 lmiller@mpbf.com;mellis@mpbf.com;vaxeman@mpbf.com

8 Ronald Wilcox ronaldwilcox@post.harvard.edu

9 **Dated: 6/22/05**

**Chambers of Judge Richard Seeborg**

10 By: /s/ BAK

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28